

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-19-04

WHEREAS, JOSE MILTON TRUST had applied to Community Zoning Appeals

Board 5 for the following:

- (1) BU-1A to RU-4

REQUEST #1 ON THE SOUTHERN TRACT

- (2) UNUSUAL USE for entrance features – to wit: gated entrances, guardhouses and a decorative fountain.
- (3) Applicant is requesting to permit 29 street trees (49 required), 189 lot trees (541 required) and 4,823 shrubs (5,900 required).

REQUESTS #2 & #3 ON THE NORTHERN AND SOUTHERN TRACTS

- (4) MODIFICATION of Condition #3 of Resolution Z-190-71, passed and adopted by the Board of County Commissioners and last modified by Resolution 4-ZAB-98-85, passed and adopted by The Zoning Appeals Board, reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Apartments Conversion for Country Club Towers', as prepared by Salvador M. Cruxent, Architect, dated 12-20-84, and consisting of 3 pages."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Country Club Towers Second Phase II', as prepared by Salvador M. Cruxent, consisting of 12 sheets – Sheets A1.1 & A1.2 dated last revised 01/08/04, A1.3 through A5.2 dated last revised 1/6/04 and landscape plans entitled 'Phase II Country Club Towers Apartment Complex,' as prepared by EGS2 Corp., consisting of 5 sheets, dated signed and sealed 1/6/04.

The purpose of this request is to permit the applicant to submit revised site plans for expansion of a residential apartment development onto additional property to the south..

- (5) DELETION of three (3) agreements as recorded in Official Records Book 7397, Pages 597 through 603, Official Records Book 7397, Pages 604 through 609 and Official Records Book 7397, Pages 620 through 625.

The purpose of this request is to allow the applicant to release the aforementioned agreements from the subject property, which tied the residential parcel to a site plan.

REQUESTS #4 & #5 ON THE NORTHERN TRACT

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple-Family Use) OR §33-311(a)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of requests #4 & #5 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing). The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: NORTHERN TRACT: Tract "A", COUNTRY CLUB TOWERS, Plat book 117, Page 2. AND: SOUTHERN TRACT: Tract "A", COUNTRY CLUB OF MIAMI VILLAGE CENTER, Plat book 99, Page 61.

LOCATION: The Southeast corner of N.W. 186 Street, & N.W. 68 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 5 that the requested district boundary change to RU-4 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested unusual use (Item #2), the request to permit 29 street trees, 189 lot trees, and 4,823 shrubs (Item #3), the requested modification of Condition #3 of Resolution Z-190-71 (Item #4), and deletion (Item #5) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested unusual use would have an adverse impact upon the public interest and should be denied without prejudice, and said application was denied by Resolution No. CZAB5-4-04, and

WHEREAS, JOSE MILTON TRUST appealed the decision of Community Zoning

Appeals Board 5 to the Board of County Commissioners for the following:

- (1) BU-1A to RU-4

REQUEST #1 ON THE SOUTHERN TRACT

- (2) UNUSUAL USE for entrance features – to wit: gated entrances, guardhouses and a decorative fountain.
- (3) Applicant is requesting to permit 29 street trees (49 required), 189 lot trees (541 required) and 4,823 shrubs (5,900 required).

REQUESTS #2 & #3 ON THE NORTHERN AND SOUTHERN TRACTS

- (4) MODIFICATION of Condition #3 of Resolution Z-190-71, passed and adopted by the Board of County Commissioners and last modified by Resolution 4-ZAB-98-85, passed and adopted by The Zoning Appeals Board, reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Apartments Conversion for Country Club Towers', as prepared by Salvador M. Cruxent, Architect, dated 12-20-84, and consisting of 3 pages."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Country Club Towers Second Phase II', as prepared by Salvador M. Cruxent, consisting of 12 sheets – Sheets A1.1 & A1.2 dated last revised 01/08/04, A1.3 through A5.2 dated last revised 1/6/04 and landscape plans entitled 'Phase II Country Club Towers Apartment Complex,' as prepared by EGS2 Corp., consisting of 5 sheets, dated signed and sealed 1/6/04.

The purpose of this request is to permit the applicant to submit revised site plans for expansion of a residential apartment development onto additional property to the south..

- (5) DELETION of three (3) agreements as recorded in Official Records Book 7397, Pages 597 through 603, Official Records Book 7397, Pages 604 through 609 and Official Records Book 7397, Pages 620 through 625.

The purpose of this request is to allow the applicant to release the aforementioned agreements from the subject property, which tied the residential parcel to a site plan.

REQUESTS #4 & #5 ON THE NORTHERN TRACT

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple-Family Use) OR §33-311(a)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use

Variance) and approval of requests #4 & #5 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: NORTHERN TRACT: Tract "A", COUNTRY CLUB TOWERS, Plat book 117, Page 2. AND: SOUTHERN TRACT: Tract "A", COUNTRY CLUB OF MIAMI VILLAGE CENTER, Plat book 99, Page 61.

LOCATION: The Southeast corner of N.W. 186 Street, & N.W. 68 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the appeal, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 5 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the requested to withdraw the appeal should be granted, and

WHEREAS, a motion to grant the withdrawal of the appeal without prejudice was offered by Commissioner Natacha Seijas, seconded by Commissioner Barbara M. Carey-Shuler, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	absent	Dorrin D. Rolle	aye
Betty T. Ferguson	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	absent
Joe A. Martinez	absent	Rebeca Sosa	absent
Jimmy L. Morales	aye	Javier D. Souto	aye

Chairperson Barbara M. Carey-Shuler aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the request to withdraw the appeal be and the same is hereby granted without prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB5-4-04 shall remain in full force and effect.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 13th day of May, 2004, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 04-2-CZ5-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By **MAY SULLIVAN**

Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 24TH DAY OF MAY, 2004.

RESOLUTION NO. CZAB5-4-04

WHEREAS, JOSE MILTON TRUST applied for the following:

- (1) BU-1A to RU-4

REQUEST #1 ON THE SOUTHERN TRACT

- (2) UNUSUAL USE for entrance features – to wit: gated entrances, guardhouses and a decorative fountain.
- (3) Applicant is requesting to permit 29 street trees (49 required), 189 lot trees (541 required) and 4,823 shrubs (5,900 required).

REQUESTS #2 & #3 ON THE NORTHERN AND SOUTHERN TRACTS

- (4) MODIFICATION of Condition #3 of Resolution Z-190-71, passed and adopted by the Board of County Commissioners and last modified by Resolution 4-ZAB-98-85, passed and adopted by The Zoning Appeals Board, reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Apartments Conversion for Country Club Towers', as prepared by Salvador M. Cruxent, Architect, dated 12-20-84, and consisting of 3 pages."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Country Club Towers Second Phase II', as prepared by Salvador M. Cruxent, consisting of 12 sheets – Sheets A1.1 & A1.2 dated last revised 01/08/04, A1.3 through A5.2 dated last revised 1/6/04 and landscape plans entitled 'Phase II Country Club Towers Apartment Complex,' as prepared by EGS2 Corp., consisting of 5 sheets, dated signed and sealed 1/6/04.

The purpose of this request is to permit the applicant to submit revised site plans for expansion of a residential apartment development onto additional property to the south...

- (5) DELETION of three (3) agreements as recorded in Official Records Book 7397, Pages 597 through 603, Official Records Book 7397, Pages 604 through 609 and Official Records Book 7397, Pages 620 through 625.

The purpose of this request is to allow the applicant to release the aforementioned agreements from the subject property, which tied the residential parcel to a site plan.

REQUESTS #4 & #5 ON THE NORTHERN TRACT

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple-Family Use) OR §33-311(a)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of requests #4 & #5 may be considered under §33-311(A)(7) or §33-

311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing). The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: NORTHERN TRACT: Tract "A", COUNTRY CLUB TOWERS, Plat book 117, Page 2. AND: SOUTHERN TRACT: Tract "A", COUNTRY CLUB OF MIAMI VILLAGE CENTER, Plat book 99, Page 61.

LOCATION: The Southeast corner of N.W. 186 Street, & N.W. 68 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the request to permit 29 street trees, 189 lot trees, and 4,823 shrubs, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested district boundary change to RU-4 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested unusual use (Item #2), the request to permit 29 street trees, 189 lot trees, and 4,823 shrubs (Item #3), the requested modification of Condition #3 of Resolution Z-190-71 (Item #4), and deletion (Item #5) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested unusual use would have an adverse impact upon the public interest and should be denied without prejudice, and

WHEREAS, a motion to deny Items #1-5 without prejudice was offered by Leonardo A. Perez, seconded by Archie E. McKay Jr., and upon a poll of the members present the vote was as follows:

Sharon Franklin	aye	Leonardo A. Perez	aye
Juan A. Garcia	nay	Paul O'Dell	aye
Archie E. McKay Jr.	aye	Roberto P. Serrano	aye
Jorge I. Bonsenor		aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5, that the requested district boundary change to RU-4 be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested unusual use (Item #2), the request to permit 29 street trees, 189 lot trees, and 4,823 shrubs (Item #3), the requested modification of Condition #3 of Resolution Z-190-71 (Item #4), and deletion (Item #5) be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 26th day of February, 2004.

Hearing No. 04-2-CZ5-1
ej

RESOLUTION NO. Z-244-88

The following resolution was offered by Commissioner Jorge (George) Valdes, seconded by Commissioner Sherman S. Winn, and upon poll of members present the vote was as follows:

Barbara M. Carey	absent	Barry D. Schreiber	aye
Clara Osterle	absent	Jorge (George) Valdes	aye
Beverly B. Phillips	aye	Sherman S. Winn	aye
James F. Redford, Jr.	absent	Stephen P. Clark	aye
Harvey Ruvin	aye		

WHEREAS, EDWARD MCCARTHY AS ARCHBISHOP OF MIAMI, had applied for the following:

- (1) USE VARIANCE to permit a church in the BU-1A zone as would be permitted in the RU-3 zone.
- (2) NON-USE VARIANCE OF PARKING REQUIREMENTS to permit a total of 293 parking spaces (789 parking spaces required).

Plans are on file and may be examined in the Zoning Department entitled "Village Center," as prepared by Salvador M. Cruxent Architect, dated revised Oct. 2, 1974 on the site plan; floor plans prepared by Brown and Brown, dated 8/3/88 for a total of 2 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "A", COUNTRY CLUB OF MIAMI VILLAGE CENTER, Plat book 99, Page 61, more particularly described as units located at 18289, 18291, 18293, 18295 and 18297 N.W. 68 Avenue.

LOCATION: 18289 - 18297 N.W. 68 Avenue, Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested use variance and non-use variance would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and should be approved, subject to conditions;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested use variance and non-use variance be and the same are hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Village Center," as prepared by Salvador M. Cruxent Architect, dated revised Oct. 2, 1974 on the site plan; floor plans prepared by Brown and Brown, dated 8/3/88 for a total of 2 pages.
3. That only one sign not to exceed 24 square feet be permitted for the use.

Z-244-88

4. That the use be established and maintained in accordance with the approved plan.
5. That no temporary structures or temporary use of any type shall be permitted on the premises.
6. That the applicant comply with all conditions and requirements of the Department of Environmental Resources Management.
7. That the applicants obtain a Certificate of Use and Occupancy from and promptly renew the same annually with the Dade County Building and Zoning Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions, or, when in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental to and/or incompatible with the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 6th day of October, 1988.

October, 1988
No. 88-10-CC-2
11/7/88
mr

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

RAYMOND REED

By Richard P. Brinker, Clerk
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners
on the 7th day of NOVEMBER, 1988.

RESOLUTION NO. 4-ZAB-98-85

The following resolution was offered by Mr. Thomas A. Conger seconded by Mr. Jose A. Losa and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Margaret Nelson	aye
Peter Goldring	aye	Mary Jean Risi	nay
Levi A. Johnson	aye	Murray Sisselman	aye
Jose A. Losa	aye	R. Jollivette Frazier	aye
Joyce Masso	aye		

WHEREAS, JOSE MILTON has applied for the following:

- (1) MODIFICATION of Condition #3 of Resolution Z-190-71, passed and adopted by the Board of County Commissioners on the 16th day of September, 1971 which was further modified by Resolution Z-255-74, passed and adopted by the Board of County Commissioners on the 24th day of September, 1974 as follows:

FROM: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Park Center', as prepared by Environmental Design Associates, and dated revised 10-17-73."

TO: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Apartments Conversion for Country Club Towers', as prepared by Salvador M. Cruxent, Architect, dated 12-20-84, and consisting of 3 pages."

The purpose of the request is to permit the conversion of 320 existing units into 400 proposed units.

- (2) USE VARIANCE to permit a density of 30.9 units per acre (23 units per acre permitted; 24.54 units per acre previously approved under Resolution Z-255-75).

The aforementioned plans are on file and may be examined in the Zoning Department.

SUBJECT PROPERTY: Tract "A", COUNTRY CLUB TOWERS SUBDIVISION, Plat book 117, Page 2.

LOCATION: 6700/6750/6790 N.W. 186 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested modification and use variance would be in harmony with the general purpose and intent of the regulations, would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board, that the requested Modification of Condition #3 of Resolution Z-190-71 which was further modified by Resolution Z-255-74 and the Use Variance pertaining to density be and the same are hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 27th day of MARCH, 1985.

Heard 3/27/85
Hearing No. 85-3-1
4/1/85 aa

RESOLUTION NO. 7-2-76

The following resolution was offered by Commissioner James F. Redford, Jr., seconded by Commissioner Beverly B. Phillips, and upon poll of members present, the vote was as follows:

Neal Adams	noy	James F. Redford, Jr.	aye
Harry P. Cain	aye	Sandy Rubinstein	aye
Sidney Levin	aye	Harvey Ruvin	aye
Clara Osterle	aye	Stephen P. Clark	aye
Beverly B. Phillips	aye		

WHEREAS, Robert K. Quest has applied for the following:

(1) USE VARIANCE to permit a package liquor store in the BU-1A zone as would be permitted in the BU-2 zone.

(2) VARIANCE of the Zoning Regulations as applied to alcoholic beverage uses to permit the aforementioned package liquor store to be spaced less than the required 2500' from existing churches and schools.

Plans of the proposed location to the package store may be examined and are on file in the Zoning Department entitled "Sketch of Survey of Tract 'A' - Country Club of Miami Village Center" as prepared by Donald W. McIntosh and Associates, Inc., Engineers, Planners and Surveyors, and dated 10-10-74.

SUBJECT PROPERTY: Tract 'A', COUNTRY CLUB OF MIAMI VILLAGE CENTER being a portion of Tracts 3 & 4 of FLORIDA FRUIT LAND CO. SUB. PB 99 Pg. 61.

LOCATION: 18277-18279 NW 68 Ave.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held as required by law, and all interested parties concerned in the matter were heard, and the Zoning Appeals Board was of the opinion that the requested Use Variance and Variance would be compatible with the area and its development and would be in harmony with the requirements and intent of the Zoning Procedure Ordinance and approved the requests subject to conditions, and

WHEREAS, The School Board of Dade County, Florida had appealed the decision of the Zoning Appeals Board to this Board, and after a 15-day notice of the time and place of the meeting of this Board was published as required by the Zoning Procedure Ordinance, a hearing was held by this Board, and after reviewing the record and the decision of the Zoning Appeals Board and having given an opportunity for all interested parties to be heard, and upon considering the record and the decision of the Zoning Appeals Board and all matters presented at the meeting, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the grounds and reasons specified for the reversal of the ruling made by the Zoning Appeals Board were insufficient to merit a reversal of the decision;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the decision of the Zoning Appeals Board is hereby sustained and the requested Use Variance and Variance be and the same are hereby approved subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits, and entrances, drainage, walls, fences, landscaping, etc.
2. That the use be established and maintained in accordance with the approved plan.
3. That the permit be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions, and be subject to cancellation upon violation of any of the conditions or when, in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permit in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 13th day of January, 1976.

Heard 11-3-75
No. 75-11-3
1-19-76
as

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

Richard P. Brinker, Clerk

By EDWARD D. PHELAN
Deputy Clerk

RESOLUTION NO. 4-ZAB-310-75

The following resolution was offered by Mrs. Thelma Damewood, seconded by Mrs. Margaret C. Nelson, and upon poll of members present, the vote was as follows:

Nancy Brown	nay	Sy Reese	absent
Thelma Damewood	aye	Carl W. Rhetta	aye
Lillian Dickmon	aye	Miguel Suarez	absent
Joe H. Moffat	absent	Edward G. Coll, Jr.	aye
Margaret C. Nelson	aye		

WHEREAS, Robert K. Quest has applied for the following:

(1) USE VARIANCE to permit a package liquor store in the BU-1A zone as would be permitted in the BU-2 zone.

(2) VARIANCE OF THE ZONING REGULATIONS as applied to alcoholic beverage uses to permit the aforementioned package liquor store to be spaced less than the required 2500' from existing churches and schools.

Plans of the proposed location of the package store may be examined and are on file in the Zoning Department entitled "Sketch of Survey of Tract 'A' - Country Club of Miami Village Center," as prepared by Donald W. McIntosh and Associates, Inc., Engineers, Planners and Surveyors, and dated 10-10-74.

SUBJECT PROPERTY: Tract 'A', COUNTRY CLUB OF MIAMI VILLAGE CENTER, being a portion of Tracts 3 and 4 of FLORIDA FRUIT LAND CO. SUB., P.B. 99, P. 61.

LOCATION: 18277-18279 N.W. 68th Avenue, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested use variance and variance would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested use variance to permit a package liquor store in the BU-1A zone and the requested variance of the Zoning Regulations be and the same are hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That the use be established and maintained in accordance with the approved plan.

40306-310-75

4-ZAB-310-75
Robert K. Quest

2.

11-52-40
Item No. 75-406

3. That the permit be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions, and be subject to cancellation upon violation of any of the conditions or when, in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 3rd day of November, 1975.

Heard 11/3/75
No. 75-11-3
11/6/75
ng

RESOLUTION NO. Z-255-74

The following resolution was offered by Commissioner

Harry P. Cain, seconded by Commissioner Beverly B. Phillips,

and upon poll of members present, the vote was as follows:

Harry P. Cain	aye	Harvey Ruvin	absent
Mrs. Stanley (Joyce) Goldberg	nay	Edward T. Stephenson	aye
Edward T. Graham	aye	Edward C. Fogg III	absent
Beverly B. Phillips	aye		

WHEREAS, American Housing Systems Corporation has applied for the following:

A district boundary change from RU-4L (Limited Apartment House) and RU-4M (Modified Apartment House) to RU-4M (Modified Apartment House) - OR IN THE ALTERNATIVE

Variance of Zoning Regulations to permit the hereinafter development with a density of 24.54 (23 permitted) units per acre.

AND WITH EITHER REQUEST:

To Modify Condition No. 3 of Resolution Z-190-71 passed and adopted on the 16th day of September, 1971 by the Board of County Commissioners. Purpose of the request is to permit substitution of a revised site use plan by changing the aforementioned condition as follows:

FROM: That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Apartment Complex for Country Club of Miami," prepared by Carson Bennett Wright, A.I.A. and dated Revised May 5, 1971.

TO: That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Park Center," prepared by Environmental Design Associates, and dated Revised 10-17-73.

Special Exception to permit the aforementioned development with five (5) stories (4 stories permitted) and 51' (50' permitted) in height.

SUBJECT PROPERTY: A portion of the NE $\frac{1}{4}$ of 11-52-40, FLORIDA FRUITLANDS SUBDIVISION NO. 1, P.B. 2, P. 17, being more particularly described as follows: Commence at the NE corner of the NE $\frac{1}{4}$ of said Section 11; thence run S $0^{\circ}04'37''$ E along the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 55.04' to the P.O.B. of the tract of land hereinafter to be described; thence continue S $0^{\circ}04'37''$ E along the previously described course for a distance of 625.00' to a point; thence run S $89^{\circ}55'39''$ W for a distance of 777.31' to a point; thence run N $23^{\circ}18'56''$ W for a distance of 80.00' to a point of curvature of a circular curve to the right having for its elements a central angle of $3^{\circ}11'05''$ and a radius of 719.45'; thence run N/ly along the arc of said curve for a distance of 39.99' to the point of tangency; thence run N $20^{\circ}07'51''$ W for a distance of 140.00' to the point of curvature of a circular curve leading to the left and having for its elements a central angle of $3^{\circ}11'05''$ and a radius of 719.45'; thence run N/ly along the arc of said curve for a distance of 39.99' to the point of tangency; thence run N $23^{\circ}18'56''$ W for a distance of 282.43' to the point of curvature of a circular curve leading to the right and having for its elements a central angle of $91^{\circ}53'24''$ and a radius of 25.00'; thence run NE/ly along the arc of said curve for a distance of 40.10' to the point of compound curvature of a circular curve leading to the right and having for its elements a central angle of $23^{\circ}34'10''$ and a radius of 1090.92'; thence run E/ly along the arc of said curve for a distance of 448.77' to the point of tangency; thence run S $87^{\circ}51'22''$ E for a distance of 544.93' to the P.O.B.

2-255-74

LOCATION: SE Corner of NW 68th Avenue and NW 186th Street,
Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change would be incompatible with the neighborhood and area concerned and would be in conflict with the principles and intent of the plan for the development of Dade County, Florida; but that the requested alternative variance, modification, and special exception would be in harmony with the general purpose and intent of the regulations and would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to RU-4M be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested alternative Variance of Zoning Regulations, Modification of Condition No. 3 of Resolution Z-190-71, and Special Exception be and the same are hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 24th day of September, 1974.

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

Richard P. Brinker, Clerk

By EDWARD D. PHELAN
Deputy Clerk

Heard 9/24/74
Hearing No. 74-9-CC-53
ng

RESOLUTION NO. Z-190-71

The following resolution was offered by Commissioner

Ben Shepard, seconded by Commissioner

R. Hardy Matheson, and upon poll of members

present, the vote was as follows:

Earl J. Carroll	absent	Harvey I. Reiseman	aye
S. A. Dansyear	nay	Ben Shepard	aye
Mrs. Stanley (Joyce) Goldberg-nay		Edward T. Stephenson	absent
Alexander S. Gordon	aye	Stephen P. Clark	nay
R. Hardy Matheson	aye		

WHEREAS, Country Club of Miami Corp., had applied for the following:

A district boundary change from BU-1A (Limited Business) to RU-4M (Modified Apartment House);

Special Exception to permit multiple family apartment development;

SUBJECT PROPERTY: A portion of Tracts 1 and 2 in Section 11, Twp. 52 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2 at Page 17 of the Public Records of Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the NE $\frac{1}{4}$ of said Section 11; thence run South 0 degrees 04 minutes 37 seconds East along the East line of the NE $\frac{1}{4}$ of said Sec. 11 for a distance of 288.04' to a point; thence South 89 degrees 55 minutes 39 seconds West parallel to the South line of the parcel of which this is a part, a distance of 150' to the point of beginning of land hereinafter described; thence run South 0 degrees 04 minutes 37 seconds East parallel to the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 175' to a point; thence run South 89 degrees 55 minutes 39 seconds West parallel to the South line of said parcel, a distance of 95' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 15' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 90' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 140' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 80' to a point; thence North 0 degrees 04 minutes 37 seconds West parallel to the East line of said NE $\frac{1}{4}$ of said Section 11 for a distance of 140' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 210' to a point; thence North 0 degrees 04 minutes 37 seconds West a distance of 110' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 304.94' to the Easterly right-of-way line of Northwest 68 Ave. according to the deed thereof as recorded in Official Record Book 2743 at page 563 of the Public Records of Dade County, Florida; thence run North 23 degrees 18 minutes 56 seconds West along said East right-of-way line a distance of 85.94' to a point; thence North 67 degrees 49 minutes 00 seconds East a distance of 6.17'; thence North 89 degrees 55 minutes 39 seconds East parallel to the South line of the parcel of which this is a part, a distance of 296.00' to a point; thence North 0 degrees 04 minutes 37 seconds West a distance of 25' to a point; thence North 89 degrees 55 minutes 39 seconds East a distance of 420' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 20' to a point; thence North 89 degrees 55 minutes 39 seconds East a distance of 95' to the Point of Beginning.

A district boundary change from BU-1A to RU-4L (Limited Apartment House);

SPECIAL Exception to permit multiple family apartment development;

A portion of Tracts 1 and 2 in Section 11, Twp. 52 South, Range 40 East of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" as recorded in Plat Book 2 at Page 17.

Commence at the NE corner of the NE $\frac{1}{4}$ of said Section 11,; thence run South 0 degrees 04 minutes 37 seconds East along the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 230.17' to the Point of Beginning of the tract of land hereinafter to be described; thence run North 87 degrees 51 minutes 22 seconds West along a line 230' South of and parallel to the North line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 551.72' to a point of curvature of a circular curve to the left having for its elements a central angle of 24 degrees 19 minutes 38 seconds and a radius of 915.92'; thence run Westerly and Southwesterly along the arc of said circular curve to the left for a distance of 388.89' to a point of tangency; thence run South 67 degrees 49 minutes 00 seconds West for a distance of 22.95' to a point; said point lying on the Easterly right-of-way line of NW 68 Ave. according to the deed thereof as recorded in Official Record Book 2743 at Page 563 of the Public Records of Dade County, Florida; thence run South 23 degrees 18 minutes 56 seconds East along said Easterly right-of-way line for a distance of 430.86' to a point; thence run North 89 degrees 55 minutes 39 seconds East for a distance of 782.74' to a point; said point lying on the East line of the NE $\frac{1}{4}$ of said Section 11; thence run North 0 degrees 04 minutes 37 seconds West along the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 449.87' to the Point of Beginning, less the following described parcel:

Commence at the NE corner of the NE $\frac{1}{4}$ of said Section 11, thence run South 0 degrees 04 minutes 37 seconds East along the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 288.04' to a point thence South 89 degrees 55 minutes 39 seconds West parallel to the South line of the parcel of which this is a part, a distance of 150' to the point of beginning of land hereinafter described; thence run South 0 degrees 04 minutes 37 seconds East parallel to the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 175' to a point; thence run South 89 degrees 55 minutes 39 seconds West parallel to the South line of said parcel, a distance of 95' to a point, thence South 0 degrees 04 minutes 37 seconds East a distance of 15' to a point, thence South 89 degrees 55 minutes 39 seconds West a distance of 90' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 140' to a point,; thence South 89 degrees 55 minutes 39 seconds West a distance of 80' to a point; thence North 0 degrees 04 minutes 37 seconds West parallel to the East line of said NE $\frac{1}{4}$ of said Section 11 for a distance of 140' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 210' to a point; thence North 0 degrees 04 minutes 37 seconds West a distance of 110' to a point; thence 89 degrees 55 minutes 39 seconds West a distance of 304.94' to the Easterly right-of-way line of NW 68 Ave. according to the deed thereof as recorded in Official Record Book 2743 at page 563 of the Public Records of Dade County, Florida; thence run North 23 degrees 18 minutes 56 seconds West along said East right-of-way line a distance of 88.45' to a point along the same; thence North 89 degrees 55 minutes 39 seconds East parallel to the South line of the parcel of which this is a part, a distance of 302.66' to a point; thence North 0 degrees 04 minutes 37 seconds West a distance of 25' to a point; thence North 89 degrees 55 minutes 39 seconds East a distance of 420' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 20' to a point; thence North 89 degrees 55 minutes 39 seconds East a distance of 95' to the Point of Beginning.

All according to the plans submitted with the application and on file in the Zoning Department as rendered by Carson Bennett Wright A.I.A. entitled "Apartment Complex for Country Club of Miami" and dated May 5, 1971.

9 LOCATION: SE corner of NW 186th Street and NW 68th Avenue, Dade County, Florida, and

WHEREAS, a 15-day notice of the time and place of the meeting of this Board was published as required by the Zoning Procedure Ordinance, and pursuant to Section 33-315 of the Metropolitan Code of Dade County, Florida, this Board took jurisdiction of the entire application, and after having given an opportunity for interested parties to be heard, and after reviewing the entire matter, and upon due and proper consideration having been given to the matter, it appears to this Board that the requested district boundary changes and special exceptions, under certain conditions, would be compatible with the neigh-

neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved with the conditions as specified by the Zoning Appeals Board;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary changes to RU-4M and RU-4L be and the same are hereby approved and said property is hereby zoned accordingly, and that the requested special exceptions to permit multiple family apartment development be and the same are hereby approved, subject to the following conditions:

1. That the dedication of rights-of-way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way, in order to comply with and in accordance with the requirements of the manual of Public Works construction, as may be deemed lacking, desirable and necessary by the Public Works Director.
2. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but be not limited thereto, type, height and location of structures, density of occupancy for proposed apartments, offstreet parking areas, type and location of signs, landscaping, drainage, ingress and egress drives, etc.
3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Apartment Complex for Country Club of Miami", prepared by Carson Bennett Wright, A.I.A., and dated Revised May 5, 1971.
4. That the development shall be established and maintained in accordance with the approved plan.
5. That an instrument suitable for recording and meeting with the approval of the Director of Building and Zoning Department be submitted, to the effect that the property would be developed substantially in accordance with the plans submitted for the hearing unless at some future date either the zoning or plan of development were modified by Public Hearing; that said agreement shall be binding on the property owners and all other parties of interest and their successors in title.
6. That a recordable agreement be submitted to and meet with the approval of the Zoning Director providing for permanent and safe access for pedestrian and vehicular traffic within the development and particularly for right of access for fire, police, health and sanitation and other public service personnel and vehicles. The agreement, which shall be a covenant running with the land, shall also include a stipulation that the streets or accessways, shall be installed and maintained by the applicant, including, but not limited to sidewalks, drainage facilities, water, sewers and fire hydrants, meeting with the approval of the Directors of the Public Works and Building and Zoning Departments. Such agreement shall be executed by all parties having an interest in the land and its improvements.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 16th day of September, 1971.

Heard 6-7-71
No. 71-6-4
vp

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

E. B. LEATHERMAN, CLERK

By EDWARD D. PHELAN
Deputy Clerk

RESOLUTION NO. 4-ZAB-343-71

The following resolution was offered by Mr. William L. Flynn,
seconded by Mr. Roger Shaw, and upon poll of members present,
the vote was as follows:

Jerome C. Berlin	aye	Carlos Salman	absent
Irene Faugno	absent	Roger Shaw	aye
William L. Flynn	aye	Carson Bennett Wright	absent
Steven J. Green	aye	Robert W. Shaughnessy	aye
Betty S. Page	absent		

WHEREAS, Country Club of Miami Corp. has applied for the following:

- (1) A district boundary change from BU-1A (Limited Business) to RU-4M (Modified Apartment House), AND
- (2) SPECIAL EXCEPTION to permit multiple family apartment development, AND
- (3) VARIANCE of height requirements to permit the aforementioned apartment development 93' 8" (50' permitted) in height and to be 8 stories high (4 stories permitted) which will include a penthouse on top of each structure, AND
- (4) VARIANCE of lot frontage requirements to permit the aforementioned apartment development on a lot with frontage of 88.45' (100' required), AND
- (5) SPECIAL EXCEPTION to the zoning regulations requiring all uses to front on public streets and roads, to waive same and permit the aforementioned apartment development on private drives and easements.

ON: A portion of Tracts 1 and 2 in Section 11, Township 52 South, Range 40 East, Florida Fruit Lands Company's Sub. #1 (PB 2, Pge. 17), being more particularly described as follows:

Commence at the Northeast corner of the NE $\frac{1}{4}$ of said Section 11; thence run South 0 degrees 04 minutes 37 seconds East along the East line of the NE $\frac{1}{4}$ of said Sec. 11 for a distance of 288.04' to a point; thence South 89 degrees 55 minutes 39 seconds West parallel to the South line of the parcel of which this is a part, a distance of 150' to the point of beginning of land hereinafter described; thence run South 0 degrees 04 minutes 37 seconds East parallel to the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 175' to a point; thence run South 89 degrees 55 minutes 39 seconds West parallel to the South line of said parcel, a distance of 95' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 15' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 90' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 140' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 80' to a point; thence North 0 degrees 04 minutes 37 seconds West parallel to the East line of said NE $\frac{1}{4}$ of said Section 11 for a distance of 140' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 210' to a point; thence North 0 degrees 04 minutes 37 seconds West a distance of 110' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 304.94' to the Easterly right-of-way line of Northwest 68 Ave. according to the deed thereof as recorded in Official Record Book 2743 at page 563 of the Public Records of Dade County, Florida; thence run North 23 degrees 18 minutes 56 seconds West along said East right-of-way line a distance of 85.94' to a point; thence North 67 degrees 49 minutes 00 seconds East a distance of 6.17'; thence North 89 degrees 55 minutes 39 seconds East parallel to the South line of the parcel of which this is a part, a distance of 296.00' to a point; thence North 0 degrees 04 minutes 37 seconds West a distance of 25' to a point; thence North 89 degrees 55 minutes 39 seconds East a distance of 420' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 20' to a point; thence North 89 degrees 55 minutes 39 seconds East a distance of 95' to the Point of Beginning, AND

4-B-343-71

(6) A district boundary change from BU-1A (Limited Business) to RU-4L (Limited Apartment House), AND

(7) SPECIAL EXCEPTION to permit multiple family apartment development,
AND

(8) SPECIAL EXCEPTION to the zoning regulations requiring all uses to front on public streets and roads, to waive same and permit the aforementioned apartment development on private drives and easements.

ON: A portion of Tracts 1 and 2 in Sec. 11-52-40 of Florida Fruit Lands Company's Sub. #1 (PB 2, Pge. 17).

Commence at the NE corner of the NE $\frac{1}{4}$ of said Section 11,; thence run South 0 degrees 04 minutes 37 seconds East along the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 230.17' to the Point of Beginning of the tract of land hereinafter to be described; thence run North 87 degrees 51 minutes 22 seconds West along a line 230' South of and parallel to the North line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 551.72' to a point of curvature of a circular curve to the left having for its elements a central angle of 24 degrees 19 minutes 38 seconds and a radius of 915.92'; thence run Westerly and Southwesterly along the arc of said circular curve to the left for a distance of 388.89' to a point of tangency; thence run South 67 degrees 49 minutes 00 seconds West for a distance of 22.95' to a point; said point lying on the Easterly right-of-way line of NW 68 Ave. according to the deed thereof as recorded in Official Record Book 2743 at Page 563 of the Public Records of Dade County, Florida; thence run South 23 degrees 18 minutes 56 seconds East along said Easterly right-of-way line for a distance of 430.86' to a point; thence run North 89 degrees 55 minutes 39 seconds East for a distance of 782.74' to a point; said point lying on the East line of the NE $\frac{1}{4}$ of said Section 11; thence run North 0 degrees 04 minutes 37 seconds West along the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 449.37' to the Point of Beginning, less the following described parcel:

Commence at the NE corner of the NE $\frac{1}{4}$ of said Section 11, thence run South 0 degrees 04 minutes 37 seconds East along the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 288.04' to a point thence South 89 degrees 55 minutes 39 seconds West parallel to the South line of the parcel of which this is a part, a distance of 150' to the point of beginning of land hereinafter described; thence run South 0 degrees 04 minutes 37 seconds East parallel to the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 175' to a point; thence run South 89 degrees 55 minutes 39 seconds West parallel to the South line of said parcel, a distance of 95' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 15' to a point, thence South 89 degrees 55 minutes 39 seconds West a distance of 90' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 140' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 80' to a point; thence North 0 degrees 04 minutes 37 seconds West parallel to the East line of said NE $\frac{1}{4}$ of said Section 11 for a distance of 140' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 210' to a point; thence North 0 degrees 04 minutes 37 seconds West a distance of 110' to a point; thence 89 degrees 55 minutes 39 seconds West a distance of 304.94' to the Easterly right-of-way line of NW 68 Ave. according to the deed thereof as recorded in Official Record Book 2743 at page 563 of the Public Records of Dade County, Florida; thence run North 23 degrees 18 minutes 56 seconds West along said East right-of-way line a distance of 88.45' to a point along the same; thence North 89 degrees 55 minutes 39 seconds East parallel to the South line of the parcel of which this is a part, a distance of 302.66' to a point; thence North 0 degrees 04 minutes 37 seconds West a distance of 25' to a point; thence North 89 degrees 55 minutes 39 seconds East a distance of 420' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 20' to a point; thence North 89 degrees 55 minutes 39 seconds East a distance of 95' to the Point of Beginning, AND

(9) SPECIAL EXCEPTION to permit a multiple family apartment development,

ON: Commence at NE corner of Section 11, Twp. 52 South, Rge. 40 East; th. South 0 degrees 04 minutes 37 seconds East along the East line of said Section 11 for a Distance of 55.04' to the Point of Beginning of the parcel of land hereinafter to be described; thence continue South 0 degrees 04 minutes 37 seconds East for a distance of 175.13' to a point; thence run North 87 degrees 51 minutes 22 seconds West along a line 230' South of and parallel to the North line of said Section 11 for a distance of 551.63' to a point of curvature of a circular curve to the left having for its elements a central angle of 24 degrees 19 minutes 38 seconds and a radius of 915.92'; thence run along the arc of said circular curve for a distance of 388.89' to a point of tangency; thence on South 67 degrees 49 minutes 00 seconds West for a distance of 22.95' to a point; thence run North 23 degrees 18 minutes 56 seconds West for a distance of 175.00' to a point; thence run North 67 degrees 49 minutes 00 seconds East for a distance of 26.41' to a point of curvature of a circular curve to the right having for its elements a central angle of 24 degrees 19 minutes 38 seconds and a radius of 1090.92'; thence run along the arc of said circular curve for a distance of 463.19' to a point of tangency; thence run North 87 degrees 51 minutes 22 seconds West for a distance of 544.93' to the Point of Beginning.

All according to plans submitted with application and on file in Zoning Department as rendered by Carson Bennett Wright, A.I.A., entitled "Apartment Complex for Country Club of Miami", and dated May 5, 1971.

LOCATION: SE corner of NW 186 St. and NW 68 Ave., Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary changes would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida; and that the requested special exceptions and variances, under certain conditions, would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that Item No. 1, the requested district boundary change to RU-4M, be and the same is hereby recommended for approval by the Board of County Commissioners of Dade County, Florida; and

BE IT FURTHER RESOLVED that Items No. 2, 3, 4, and 5, the requested special exceptions for multiple family apartment development and for private drives and easements, and variances of height requirements and of lot frontage requirements, be and the same are hereby approved subject to the following conditions:

1. That the requested special exceptions and variances become effective upon the approval of the district boundary change to RU-4M by the Board of County Commissioners.
2. That the dedication of rights-of-way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way, in order to comply with and in accordance with the requirements of the manual of Public Works construction, as may be deemed lacking, desirable and necessary by the Public Works Director.
3. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but be not limited thereto, type, height and location of structures, density of occupancy for proposed apartments, offstreet parking areas, type and location of signs, landscaping, drainage, ingress and egress drives, etc.
4. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Apartment Complex for Country Club of Miami", prepared by Carson Bennett Wright, A.I.A., and dated Revised May 5, 1971.
5. That the development shall be established and maintained in accordance with the approved plan.
6. That an instrument suitable for recording and meeting with the approval of the Director of Building and Zoning Department be submitted, to the effect that the property would be developed substantially in accordance with the plans submitted for the hearing unless at some future date either the zoning or plan of development were modified by Public Hearing; that said agreement shall be binding on the property owners and all other parties of interest and their successors in title.
7. That a recordable agreement be submitted to and meet with the approval of the Zoning Director providing for permanent and safe access for pedestrian and vehicular traffic within the development and particularly for right of access for fire, police, health and sanitation and other public service personnel and vehicles. The agreement, which shall be a covenant running with the land, shall also include a stipulation that the streets or accessways, shall be installed and maintained by the applicant, including, but not limited to sidewalks, drainage facilities, water, sewers and fire hydrants, meeting with the approval of the Directors of the Public Works and Building and Zoning Departments. Such agreement shall be executed by all parties having an interest in the land and its improvements; and

BE IT FURTHER RESOLVED that Item No. 6, the requested district boundary change to RU-4L, be and the same is hereby recommended for approval by the Board of County Commissioners of Dade County, Florida; and

BE IT FURTHER RESOLVED that Items No. 7 and 8, the requested special exceptions for multiple family apartment development and for private drives and easements, be and the same are hereby approved subject to the following conditions:

1. That the requested special exceptions become effective upon the approval of the district boundary change to RU-4L by the Board of County Commissioners.
2. That the dedication of rights-of-way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way, in order to comply with and in accordance with the requirements of the manual of Public Works construction, as may be deemed lacking, desirable and necessary by the Public Works Director.
3. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but be not limited thereto, type, height and location of structures, density of occupancy for proposed apartments, offstreet parking areas, type and location of signs, landscaping, drainage, ingress and egress drives, etc.
4. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Apartment Complex for Country Club of Miami", prepared by Carson Bennett Wright, A.I.A., and dated Revised May 5, 1971.
5. That the development shall be established and maintained in accordance with the approved plan.
6. That an instrument suitable for recording and meeting with the approval of the Director of Building and Zoning Department be submitted, to the effect that the property would be developed substantially in accordance with the plans submitted for the hearing unless at some future date either the zoning or plan for development were modified by Public Hearing; that said agreement shall be binding on the property owners and all other parties of interest and their successors in title.
7. That a recordable agreement be submitted to and meet with the approval of the Zoning Director providing for permanent and safe access for pedestrian and vehicular traffic within the development and particularly for right of access for fire, police, health and sanitation and other public service personnel and vehicles. The agreement, which shall be a covenant running with the land, shall also include a stipulation that the streets, or accessways, shall be installed and maintained by the applicant, including, but not limited to sidewalks, drainage facilities, water, sewers and fire hydrants, meeting with the approval of the Directors of the Public Works and Building and Zoning Departments. Such agreement shall be executed by all parties having an interest in the land and its improvements; and

BE IT FURTHER RESOLVED that Item No. 9, the requested special exception to permit multiple family apartment development, be and the same is hereby approved subject to the following conditions:

1. That the dedication of rights-of-way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way, in order to comply with and in accordance with the requirements of the manual of Public Works construction, as may be deemed lacking, desirable and necessary by the Public Works Director.
2. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but be not limited thereto, type, height and location of structures, density of occupancy for proposed apartments, offstreet parking areas, type and location of signs, landscaping, drainage, ingress and egress drives, etc.
3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Apartment Complex for Country Club of Miami", prepared by Carson Bennett Wright, A.I.A., and dated Revised May 5, 1971.
4. That the development shall be established and maintained in accordance with the approved plan.
5. That an instrument suitable for recording and meeting with the approval of the Director of Building and Zoning Department be submitted, to the effect that the property would be developed substantially in accordance with the plans submitted for the hearing unless at some future date either the zoning or plan of development were modified by Public Hearing; that said agreement shall be binding on the property owners and all other parties of interest and their successors in title.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 12th day of July, 1971.

Heard 6/7/71
No. 71-6-4 (Rehrg.)
7/21/71
hf

RESOLUTION NO. 2-50-66

The following resolution was offered by Commissioner Thomas D. O'Malley, seconded by Commissioner Lewis B. Whitworth, Jr., and upon poll of members present, the vote was as follows:

Joseph A. Boyd, Jr.	aye	Arthur H. Patten, Jr.	aye
Alexander S. Gordon	aye	Earl M. Starnes	aye
Harold A. Greene	absent	Lewis B. Whitworth, Jr.	aye
R. Hardy Matheson	aye	Chuck Hall	aye
Thomas D. O'Malley	aye		

WHEREAS, Areca Stone Bailey and G & B Enterprises, Inc. have applied for a district boundary change from Au(Agricultural) 7500 c.f. to BU-1A (Limited Business), on the following described property:

A portion of Tracts 1 through 8 inclusive in Section 11, Township 52 South, Range 40 East, Florida Fruit Lands Co. Sub. #1 (PB 2, Page 17) and more particularly described as follows: Commence at the NE corner of Sec. 11, Township 52 South, Range 40 East; th. run W. along the N. line of Section 11 for a distance of 542.80' to a point of curvature of a circular curve to the left having for its elements a central angle of $24^{\circ} 19' 38''$ and a radius of 1145.92'; th. run along the arc of said circular curve to the left for a distance of 486.55' to a point of tangency; th. run S. $65^{\circ} 40' 22''$ W. for a distance of 97.50' to a point; th. run S. $25^{\circ} 27' 34''$ E. for a distance of 589.50' to a point; th. run S. $64^{\circ} 32' 26''$ W. for a distance of 200' to a point; th. run S. $25^{\circ} 27' 34''$ E. for a distance of 164.46' to a point; th. run S. $2^{\circ} 12' 59''$ E. for a distance of 1746.25' to a point on the S. line of the NE $\frac{1}{4}$ of said Section 11; th. run E/ly along the S. line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 995.32' to the SE corner of the NE $\frac{1}{4}$ of Section 11; th. run N. $2^{\circ} 12' 59''$ W. along the E. line of Section 11 for a distance of 2640.66' to the point of beginning. All less the existing right of way previously deeded to Dade County under Official Record Book 2743, Page 563, and Official Record Book 324, Page 468, all of the Public Records of Dade County, Florida.

LOCATION: The E. and W. sides of NW 68 Ave.; between NW 178 St. and N. W. 186th Street, Dade County, Florida, and

WHEREAS, an inspection of the subject property was made and a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter, it was the opinion of the Zoning Appeals Board that the requested district boundary change would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and recommended approval of same, and

WHEREAS, 15-day notice of the time and place of the meeting of the Board of County Commissioners was published, as required by the Zoning Procedure Ordinance, and after reviewing the record and recommendation of the Zoning Appeals Board and having given an opportunity for interested parties to be heard at which time the applicant by its representative, Mr. Joseph Benner,

had indicated acquiescence for modification of the application to permit an apartment (RU-4L) use, business (BU-1A), and professional Office (RU-5A) uses on a portion of the subject property advertised, and upon due and proper consideration having been given to the matter, it appears to this board that the application as modified would be in accord with the neighborhood and area concerned and does not conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, and

NOW THEREFORE BE IT RESOLVED By the Board of County Commissioners, Dade County, Florida that the following changes of zones be and the same are hereby approved and said property be and the same is hereby zoned accordingly:

AU (Agricultural to RU-4L (Limited Apartment House) on property described as follows:

Commence at the NE corner of Section 11, Township 52 South, Range 40 East; th. run S $2^{\circ} 12' 00''$ E. along the East line of said Section 11 for a distance of 55.04 feet to the point of beginning of the parcel of land hereinafter to be described; thence continue S $2^{\circ} 12' 00''$ E for a distance of 175.13 feet to a point; thence run West along a line 230 feet south of and parallel to the North line of said Section 11 for a distance of 551.63 feet to a point of curvature of a circular curve to the left having for its elements a central angle of $24^{\circ} 19' 38''$ and a radius of 915.92 feet; thence run along the arc of said circular curve for a distance of 388.89 feet to a point of tangency; thence on S $65^{\circ} 40' 22''$ W for a distance of 27.53' to a point; thence run N $25^{\circ} 27' 34''$ W for a distance of 175.00' to a point; thence run N $65^{\circ} 40' 22''$ E for a distance of 27.53' to a point of curvature of a circular curve to the right having for its elements a central angle of $24^{\circ} 19' 38''$ and a radius of 1090.92'; thence run along the arc of said circular curve for a distance of 463.19' to a point of tangency; thence run East for a distance of 544.91' to the point of beginning. All lying and being in Dade County, Florida and containing 4.02 acres, more or less, and

AU (Agricultural) to BU-1A (Limited Business) on the property described as follows:

Commence at the Northeast corner of Section 11, Township 52 South, Range 40 East; thence run S $2^{\circ} 12' 00''$ E. along the East line of said Section 11 for a distance of 230.17' to the point of beginning of the parcel of land hereinafter to be described; thence run West along a line 230' South of and parallel to the North line of said Section 11 for a distance of 551.63' to the point of curvature of a circular curve to the left having for its elements a central angle of $24^{\circ} 19' 38''$ and a radius of 915.92'; thence run along the arc of said circular curve for a distance of 388.89' to a point of tangency; thence run S $65^{\circ} 40' 22''$ W for a distance of 27.53' to a point; th. run S $25^{\circ} 27' 34''$ E for a distance of 624.69' to a point of curvature of a circular curve to the right having for its elements a central angle of $23^{\circ} 14' 35''$ and a radius of 1007.47'; thence run along the arc of said circular curve for a distance of 408.70' to a point of tangency; thence run South $2^{\circ} 12' 59''$ East for a distance of 100.00' to a point; thence run North $87^{\circ} 47' 01''$ East for a distance of 290.00' to a point; thence run North $2^{\circ} 12' 59''$ West for a distance of 300.00' to a point; thence run North $87^{\circ} 47' 01''$ East for a

distance of 338.37' to a point; thence run North 2° 12' 00" West for a distance of 827.27' to the point of beginning. All lying and being in Dade County, Florida and containing 7.94 acres, more or less.

Said change in zoning being subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but not be limited thereto location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That the use be established and maintained in accordance with the approved plan.

AV (Agricultural) to RU-5A (Semi-Professional Offices) on that property described as follows:

Commence at the NE corner of Section 11, Township 52 South, Range 40 East; thence run South 2° 12' 00" East along the East line of said Section 11 for a distance of 1057.44' to the point of beginning of the parcel of land hereinafter to be described; thence continue S 2° 12' 00" East for a distance of 700.00' to a point, thence run South 87° 47' 01" West for a distance of 628.17' to a point; thence run N 2° 12' 59" West for a distance of 400.00' to a point; thence run N 87° 47' 01" East for a distance of 290.00' to a point; thence run North 2° 12' 59" West for a distance of 300.00' to a point; thence run N 87° 47' 01" East for a distance of 338.37' to the point of beginning. All lying and being in Dade County, Florida and containing 7.94 acres, more or less.

BE IT FURTHER RESOLVED by the Board of County Commissioners, Dade County, Florida that the district boundary changes, as aforesaid, are subject to the dedication and improvements of such rights-of-way as may be deemed necessary by the directors of the departments, Public Works and Building and Zoning.

BE IT FURTHER RESOLVED by the Board of County Commissioners, Dade County, Florida that the requested district boundary changes on the balance of the property be and the same are hereby denied.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Metropolitan Dade County Building and Zoning Department.

PASSED and ADOPTED this 28th day of April, 1966.

DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

E. B. LEATHERMAN, CLERK

By EDWARD D. PHELAN
Deputy Clerk

Heard 4/11/66
Hearing No. 66-4-1
fa
5/4/66

new
D
11-52-40
71R201059

OCT 8 AM 10:03
OFF REC 7397 PG 597

AGREEMENT

THIS AGREEMENT entered into the 1 day of Sept, 1971 by and between
NEWPORT COUNTRY CLUB PROPERTIES, INC.

hereinafter referred to as "OWNERS" and the Board of County Commissioners,
Metropolitan Dade County, Florida hereinafter referred to as the "COUNTY".

WITNESSETH:

WHEREAS, the OWNERS are the simple title owners of the following
described property, lying, being and situate in Dade County, Florida, to wit:

SEE ANNEXED EXHIBIT A

4243371
WHEREAS, the OWNERS are desirous of giving assurance to the COUNTY that
the property will be developed substantially in accordance with the spirit and
intent of the plans submitted to the COUNTY for a public hearing wherein the
zoning and use of the subject property has been approved, unless said plans are
modified and/or changed as a result of a PUBLIC HEARING or other appropriate
action by the COUNTY.

NOW, THEREFORE, for good and valuable consideration, the parties have
agreed as follows:

1. That said property shall be developed substantially in accordance with
the spirit and intent of the plans previously submitted, prepared by

Carson Bennett Wright,
entitled Apartment Complex for Country Club of Miami

dated the 5 day of May, 1971.


The plan was revised as a result of conferences held by various departments of the County and now depicts the spirit and intent of the OWNERS for the development of said property with the understanding that the size and locations of the building to be erected may not be exactly as shown on the master plan and that minor modifications in said plan may be made with the approval of the County Departments having jurisdiction thereof. However, in the event major changes or modifications in the plan are desired, the same shall be submitted for approval at a public hearing in the manner provided by the applicable ordinances of Dade County, Florida.

2. Where construction has occurred on said property, pursuant to a permit issued by the County, and inspections made and approval of occupancy given by the County, the same shall create a conclusive presumption that the buildings thus constructed comply with the intent and spirit of the master plan, and this Agreement shall not be construed as clouding the title to any of said property on which such development has occurred.

3. That this Agreement on the part of the OWNERS shall constitute a covenant running with the land and will be recorded in the public records of Dade County, Florida, and shall remain in full force and effect and be binding upon the heirs, successors, and assigns of the respective parties hereto, until such time as the same is released in writing by the Director of the Metropolitan Dade County Building and Zoning Department, or the executive officer of the successor of such department, or, in the absence of such director or executive officer, by his assistant in charge of the office in his absence.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the day and year first above set forth.

ATTEST:


Secretary

NEWPORT COUNTRY CLUB PROPERTIES, INC.

By 

President

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared *Gene S. Fisher and G. W. Beck* well known to me to be the President and Secretary respectively of the corporation named and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this *8th* day of *September* A.D. 1971.

Jewel V. Korman
Notary Public, State of Florida at Large

My Commission expires:
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES OCT. 12, 1973
BONDED THRU FRED W. DIESTELHORST

Prepared by:
John M. Thomson
5711 South Dixie Highway
South Miami, Florida

ON: A portion of Tracts 1 and 2 in Sec. 11-52-40 of Florida Fruit Lands Company's Sub. #1 (PB 2, Pge. 17).

ON: Commence at NE corner of Section 11, Twp. 52 South, Rge. 40 East; th. South 0 degrees 04 minutes 37 seconds East along the East line of said Section 11 for a Distance of 55.04' to the Point of Beginning of the parcel of land hereinafter to be described; thence continue South 0 degrees 04 minutes 37 seconds East for a distance of 175.13' to a point; thence run North 87 degrees 51 minutes 22 seconds West along a line 230' South of and parallel to the North line of said Section 11 for a distance of 551.63' to a point of curvature of a circular curve to the left having for its elements a central angle of 24 degrees 19 minutes 38 seconds and a radius of 915.92'; thence run along the arc of said circular curve for a distance of 388.89' to a point of tangency; thence on South 67 degrees 49 minutes 00 seconds West for a distance of 22.95' to a point; thence run North 23 degrees 18 minutes 56 seconds West for a distance of 175.00' to a point; thence run North 67 degrees 49 minutes 00 seconds East for a distance of 26.41' to a point of curvature of a circular curve to the right having for its elements a central angle of 24 degrees 19 minutes 38 seconds and a radius of 1090.92'; thence run along the arc of said circular curve for a distance of 463.19' to a point of tangency; thence run North 87 degrees 51 minutes 22 seconds West for a distance of 544.93' to the Point of Beginning.

All according to plans submitted with application and on file in Zoning Department as rendered by Carson Bennett Wright, A.I.A.; entitled "Apartment Complex for Country Club of Miami", and dated May 5, 1971.

LOCATION: SE corner of NW 186 St. and NW 68 Ave., Dade County, Florida.

R E S O L U T I O N

The undersigned, A. W. Beck, Secretary of Newport Country Club Properties, Inc., a Florida Corporation, does hereby certify that at a special meeting of the Board of Directors held on August 30, 1971 at 10:00 A.M., at 5711 South Dixie Highway, South Miami, Florida, the following Resolution was duly adopted:

"RESOLVED: That the corporation make and enter into an agreement with the Board of County Commissioners of Metropolitan Dade County, to give assurance to the county that the property of the corporation, which is the subject of Zoning Resolution No. 4-ZAB-343-71, will be developed substantially in accordance with the spirit and intent of the plans prepared by Carson Bennett Wright entitled Apartment Complex for Country Club of Miami, dated May 5, 1971, and that the President and Secretary be and they are hereby authorized to execute and deliver such agreement on such terms and conditions as they may determine and to execute any other documents necessary to comply with the requirements of the county."

I further certify that the above resolution is in full force and effect and has not been modified or rescinded in any way.

NEWPORT COUNTRY CLUB
PROPERTIES, INC.

A. W. Beck
Secretary

Sworn to and subscribed
before me this 8th day
of September, 1971.

James H. Hemmons
Notary Public, State of Florida
at Large

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES OCT. 12, 1973
BONDED THRU FRED W. DIESTELHORST

A G R E E M E N T

The undersigned, Country Club of Miami Corporation, a Florida corporation, Mortgagee, under that certain mortgage from Newport Country Club Properties, Inc. dated 25th Day of June 1971 and recorded in Official Records Book 7280 Page 260 of the Public Records of Dade County, Florida under Clerk's File No. 71R129485 in the original amount of \$924,000.00 covering all/or a portion of the property described in the foregoing agreement, do hereby acknowledge that the terms of said agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 30th day of September, 1971

ATTEST:

Donna J. Shankle
Donna J. Shankle
Ass't. Secretary

COUNTRY CLUB OF MIAMI CORPORATION

Guy B. Bailey
Guy B. Bailey, President

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Guy B. Bailey and Donna J. Shankle well known to me to be the President and Assistant Secretary respectively of the corporation named and who executed the foregoing instrument and they acknowledged before me that they executed the same

WITNESS my hand and official seal in the County and State last aforesaid this 30th day of September A.D. 1971.

James H. Anderson
Notary Public, State of Florida
at Large

My Commission expires:
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JULY 6, 1974
BONDLD THROUGH FRED W. DILLON

A G R E E M E N T

The undersigned, HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF HOLLYWOOD, a corporation existing under the laws of the United States of America, Mortgagee, under that certain mortgage from G & B Enterprises dated 22nd day of April, 1968, and recorded in Official Records Book 5918, Page 219 of the Public Records of Dade County, Florida, under Clerk's File No. 68R70782 in the original amount of \$60,000.00 covering all/or a portion of the property described in the foregoing agreement, do hereby acknowledge that the terms of said agreement are and shall be binding upon the Mortgagor, aforesaid, and the undersigned for itself and its successors in title, does consent to same.

IN WITNESS WHEREOF, these presents have been executed this

8th day of September, 1971.

HOME FEDERAL SAVINGS
AND LOAN ASSOCIATION
OF HOLLYWOOD

ATTEST:

Martha Horton
Asst Secretary

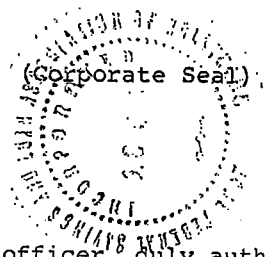
W. H. Johnson
Vice-President

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD NUMBER

E. B. LEATHERMAN,
CLERK CIRCUIT COURT

BY J. R. Davis D.C.

STATE OF FLORIDA)
COUNTY OF DADE) ss.:
BRAWARD



I HEREBY CERTIFY that on this day, before me, an officer, duly authorized in the State and County aforesaid, make acknowledgments, personally appeared well known to me to be the Vice-President and Secretary respectively of the corporation named and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 8th day of September 1971.

Margaret Van Dellen
Notary Public, State of
Florida at Large

My Commission expires
NOTARY PUBLIC, STATE OF FLORIDA at LARGE
MY COMMISSION EXPIRES NOV. 25, 1972
BONDED THROUGH FARMER'S

'71 OCT 8 AM 10.03

71R201060

AGREEMENT

THIS AGREEMENT entered into the 1st day of Sept, 1971 by and between
NEWPORT COUNTRY CLUB PROPERTIES, INC.

hereinafter referred to as "OWNERS" and the Board of County Commissioners,
 Metropolitan Dade County, Florida hereinafter referred to as the "COUNTY".

WITNESSETH:

WHEREAS, the OWNERS are fee simple title owners of the following
 described property, lying, being and situate in Dade County, Florida, to wit:

SEE ANNEXED EXHIBIT A

WHEREAS, the OWNERS are desirous of giving assurance to the COUNTY that
 the property will be developed substantially in accordance with the spirit and
 intent of the plans submitted to the COUNTY for a public hearing wherein the
 zoning and use of the subject property has been approved, unless said plans are
 modified and/or changed as a result of a PUBLIC HEARING or other appropriate
 action by the COUNTY.

NOW, THEREFORE, for good and valuable consideration, the parties have
 agreed as follows:

1. That said property shall be developed substantially in accordance with
 the spirit and intent of the plans previously submitted, prepared by
Carson Bennett Wright

entitled Apartment Complex for Country Club of Miami

dated the 5 day of May, 1971.

99739760

The plan was revised as a result of conferences held by various departments of the County and now depicts the spirit and intent of the OWNERS for the development of said property with the understanding that the size and locations of the building to be erected may not be exactly as shown on the master plan and that minor modifications in said plan may be made with the approval of the County Departments having jurisdiction thereof. However, in the event major changes or modifications in the plan are desired, the same shall be submitted for approval at a public hearing in the manner provided by the applicable ordinances of Dade County, Florida.

2. Where construction has occurred on said property, pursuant to a permit issued by the County, and inspections made and approval of occupancy given by the County, the same shall create a conclusive presumption that the buildings thus constructed comply with the intent and spirit of the master plan, and this Agreement shall not be construed as clouding the title to any of said property on which such development has occurred.

3. The OWNERS hereby agree to provide for permanent and safe access for pedestrian and vehicular traffic within the development and particularly for right of access for fire, police, health and sanitation and other public service personnel and vehicles. The streets or accessways shall be installed and maintained by the OWNER and shall include, but be not limited to, sidewalks, drainage facilities, water, sewers and fire hydrants, and will meet with the approval of the Directors of the Public Works and Building and Zoning Departments.

4. That this Agreement on the part of the OWNERS shall constitute a covenant running with the land and will be recorded in the public records of Dade County, Florida, and shall remain in full force and effect and be binding upon the heirs, successors, and assigns of the respective parties hereto, until such time as the same is released in writing by the Director of the Metropolitan Dade County Building and Zoning Department, or the executive officer of the successor of such department, or, in the absence of such director or executive officer, by his assistant in charge of the office in his absence.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the day and year first above set forth.

NEWPORT COUNTRY CLUB PROPERTIES, INC.

ATTEST:

Secretary

By

President

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared *Gene S. Ficken and A. W. Beck* well known to me to be the President and Secretary respectively of the corporation named and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this *8th* day of *September* A.D. 1971.

James I. Kamm
Notary Public, State of Florida at Large

My Commission expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES OCT. 12, 1973
BONDED THRU FRED W. DIESTELHORST

Prepared by:
John M. Thomson
5711 South Dixie Highway
South Miami, Florida

ON: A portion of Tracts 1 and 2 in Sec. 11-52-40 of Florida Fruit Lands Company's Sub. #1 (PB 2, Pge. 17).

Commence at the NE corner of the NE $\frac{1}{4}$ of said Section 11,; thence run South 0 degrees 04 minutes 37 seconds East along the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 230.17' to the Point of Beginning of the tract of land hereinafter to be described; thence run North 87 degrees 51 minutes 22 seconds West along a line 230' South of and parallel to the North line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 551.72' to a point of curvature of a circular curve to the left having for its elements a central angle of 24 degrees 19 minutes 38 seconds and a radius of 915.92'; thence run Westerly and Southwesterly along the arc of said circular curve to the left for a distance of 388.89' to a point of tangency; thence run South 67 degrees 49 minutes 00. seconds West for a distance of 22.95' to a point; said point lying on the Easterly right-of-way line of NW 68 Ave. according to the deed thereof as recorded in Official Record Book 2743 at Page 563 of the Public Records of Dade County, Florida; thence run South 23 degrees 18 minutes 56 seconds East along said Easterly right-of-way line for a distance of 430.86' to a point; thence run North 89 degrees 55 minutes 39 seconds East for a distance of 732.74' to a point; said point lying on the East line of the NE $\frac{1}{4}$ of said Section 11; thence run North 0 degrees 04 minutes 37 seconds West along the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 449.87' to the Point of Beginning, less the following described parcel:

Commence at the NE corner of the NE $\frac{1}{4}$ of said Section 11, thence run South 0 degrees 04 minutes 37 seconds East along the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 288.04' to a point thence South 89 degrees 55 minutes 39 seconds West parallel to the South line of the parcel of which this is a part, a distance of 150' to the point of beginning of land hereinafter described; thence run South 0 degrees 04 minutes 37 seconds East parallel to the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 175' to a point; thence run South 89 degrees 55 minutes 39 seconds West parallel to the South line of said parcel, a distance of 95' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 15' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 90' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 140' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 80' to a point; thence North 0 degrees 04 minutes 37 seconds West parallel to the East line of said NE $\frac{1}{4}$ of said Section 11 for a distance of 140' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 210' to a point; thence North 0 degrees 04 minutes 37 seconds West a distance of 110' to a point; thence 89 degrees 55 minutes 39 seconds West a distance of 304.94' to the Easterly right-of-way line of NW 68 Ave. according to the deed thereof as recorded in Official Record Book 2743 at page 563 of the Public Records of Dade County, Florida; thence run North 23 degrees 18 minutes 56 seconds West along said East right-of-way line a distance of 88.45' to a point along the same; thence North 89 degrees 55 minutes 39 seconds East parallel to the South line of the parcel of which this is a part, a distance of 302.66' to a point; thence North 0 degrees 04 minutes 37 seconds West a distance of 25' to a point; thence North 89 degrees 55 minutes 39 seconds East a distance of 420' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 20' to a point; thence North 89 degrees 55 minutes 39 seconds East a distance of 95' to the Point of Beginning.

RESOLUTION

The undersigned, A. W. Berk, Secretary of Newport Country Club Properties, Inc., a Florida Corporation, does hereby certify that at a special meeting of the Board of Directors held on August 30, 1971 at 10:00 A.M., at 5711 South Dixie Highway, South Miami, Florida, the following Resolution was duly adopted:

"RESOLVED: That the corporation make and enter into an agreement with the Board of County Commissioners of Metropolitan Dade County, to give assurance to the county that the property of the corporation, which is the subject of Zoning Resolution No. 4-ZAB-343-71, will be developed substantially in accordance with the spirit and intent of the plans prepared by Carson Bennett Wright entitled Apartment Complex for Country Club of Miami, dated May 5, 1971, and that the President and Secretary be and they are hereby authorized to execute and deliver such agreement on such terms and conditions as they may determine and to execute any other documents necessary to comply with the requirements of the county."

I further certify that the above resolution is in full force and effect and has not been modified or rescinded in any way.

NEWPORT COUNTRY CLUB
PROPERTIES, INC.

A. W. Berk

Secretary

Sworn to and subscribed
before me this 8th day
of September 1971.

Fred W. Diesthorst
Notary Public, State of Florida
at Large

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES OCT. 12, 1973
BONDED THRU FRED W. DIESTHORST

AGREEMENT

The undersigned, Country Club of Miami Corporation, a Florida corporation, Mortgagee, under that certain mortgage from Newport Country Club Properties, Inc. dated 25th day of June 1971 and recorded in Official Records Book 7280 Page 260 of the Public Records of Dade County, Florida under Clerk's File No. 71R29485 in the original amount of \$924,000.00 covering all/or a portion of the property described in the foregoing agreement, do hereby acknowledge that the terms of said agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed
this 3 day of September, 1971.

COUNTRY CLUB OF MIAMI CORPORATION

ATTEST: Donna J. Shankle
Donna J. Shankle
Ass't Secretary

Guy B. Bailey
Guy B. Bailey, President
(Corporate Seal)

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Guy B. Bailey and Donna J. Shankle well known to me to be the President and Assistant Secretary respectively of the corporation named and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this
3 day of September A. D. 1971.

Alfred L. Cawell
Notary Public, State of Florida at
Large

My Commission expires: LARGE
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES JUNE 3, 1973
BONDED THROUGH FRED M. DISTELHORST

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA.
RECORD VERIFIED
E. B. LEATHERMAN,
CLERK CIRCUIT COURT
BY R. Davis D.C.

THIS AGREEMENT entered into the 1st day of Sept., 1971 by and between
NEWPORT COUNTRY CLUB PROPERTIES, INC.

hereinafter referred to as "OWNERS" and the Board of County Commissioners,
Metropolitan Dade County, Florida hereinafter referred to as the "COUNTY".

WITNESSETH:

WHEREAS, the OWNERS are fee simple title owners of the following
described property, lying, being and situate in Dade County, Florida, to wit:

SEE ANNEXED EXHIBIT A

WHEREAS, the OWNERS are desirous of giving assurance to the COUNTY that
the property will be developed substantially in accordance with the spirit and
intent of the plans submitted to the COUNTY for a public hearing wherein the
zoning and use of the subject property has been approved, unless said plans are
modified and/or changed as a result of a PUBLIC HEARING or other appropriate
action by the COUNTY.

NOW, THEREFORE, for good and valuable consideration, the parties have
agreed as follows:

1. That said property shall be developed substantially in accordance with
the spirit and intent of the plans previously submitted, prepared by

Carson Bennett Wright

entitled Apartment Complex for Country Club of Miami

dated the 5 day of May, 19 71.

The plan was revised as a result of conferences held by various departments of the County and now depicts the spirit and intent of the OWNERS for the development of said property with the understanding that the size and locations of the building to be erected may not be exactly as shown on the master plan and that minor modifications in said plan may be made with the approval of the County Departments having jurisdiction thereof. However, in the event major changes or modifications in the plan are desired, the same shall be submitted for approval at a public hearing in the manner provided by the applicable ordinances of Dade County, Florida.

2. Where construction has occurred on said property, pursuant to a permit issued by the County, and inspections made and approval of occupancy given by the County, the same shall create a conclusive presumption that the buildings thus constructed comply with the intent and spirit of the master plan, and this Agreement shall not be construed as clouding the title to any of said property on which such development has occurred.

3. The OWNERS hereby agree to provide for permanent and safe access for pedestrian and vehicular traffic within the development and particularly for right of access for fire, police, health and sanitation and other public service personnel and vehicles. The streets or accessways shall be installed and maintained by the OWNER and shall include, but be not limited to, sidewalks, drainage facilities, water, sewers and fire hydrants, and will meet with the approval of the Directors of the Public Works and Building and Zoning Departments.

4. That this Agreement on the part of the OWNERS shall constitute a covenant running with the land and will be recorded in the public records of Dade County, Florida, and shall remain in full force and effect and be binding upon the heirs, successors, and assigns of the respective parties hereto, until such time as the same is released in writing by the Director of the Metropolitan Dade County Building and Zoning Department, or the executive officer of the successor of such department, or, in the absence of such director or executive officer, by his assistant in charge of the office in his absence.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the day and year first above set forth.

ATTEST:


Secretary

NEWPORT COUNTRY CLUB PROPERTIES, INC.

By 

President

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared *Helen S. Fisher and C. W. Beck* well known to me to be the President and Secretary respectively of the corporation named and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this *8th* day of *September* A.D. 1971.

John M. Thomson
Notary Public, State of Florida
at Large
My Commission expires
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES OCT. 22, 1973
BONDED THRU FRED W. DIESTELHORST

Prepared by:
John M. Thomson
5711 South Dixie Highway
South Miami, Florida

ON: A portion of Tracts 1 and 2 in Section 11, Township 52 South, Range 40 East, Florida Fruit Lands Company's Sub. #1 (PB 2, Pge. 17), being more particularly described as follows:

Commence at the Northeast corner of the NE $\frac{1}{4}$ of said Section 11; thence run South 0 degrees 04 minutes 37 seconds East along the East line of the NE $\frac{1}{4}$ of said Sec. 11 for a distance of 283.04' to a point; thence South 89 degrees 55 minutes 39 seconds West parallel to the South line of the parcel of which this is a part, a distance of 150' to the point of beginning of land hereinafter described; thence run South 0 degrees 04 minutes 37 seconds East parallel to the East line of the NE $\frac{1}{4}$ of said Section 11 for a distance of 175' to a point; thence run South 89 degrees 55 minutes 39 seconds West parallel to the South line of said parcel, a distance of 95' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 15' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 90' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 140' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 80' to a point; thence North 0 degrees 04 minutes 37 seconds West parallel to the East line of said NE $\frac{1}{4}$ of said Section 11 for a distance of 140' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 210' to a point; thence North 0 degrees 04 minutes 37 seconds West a distance of 110' to a point; thence South 89 degrees 55 minutes 39 seconds West a distance of 304.94' to the Easterly right-of-way line of Northwest 68 Ave. according to the deed thereof as recorded in Official Record Book 2743 at page 563 of the Public Records of Dade County, Florida; thence run North 23 degrees 13 minutes 56 seconds West along said East right-of-way line a distance of 85.94' to a point; thence North 67 degrees 49 minutes 00 seconds East a distance of 6.17'; thence North 89 degrees 55 minutes 39 seconds East parallel to the South line of the parcel of which this is a part, a distance of 296.00' to a point; thence North 0 degrees 04 minutes 37 seconds West a distance of 25' to a point; thence North 89 degrees 55 minutes 39 seconds East a distance of 420' to a point; thence South 0 degrees 04 minutes 37 seconds East a distance of 20' to a point; thence North 89 degrees 55 minutes 39 seconds East a distance of 95' to the Point of Beginning. **ED**

R E S O L U T I O N

The undersigned, A. W. Beck, Secretary of Newport Country Club Properties, Inc., a Florida Corporation, does hereby certify that at a special meeting of the Board of Directors held on August 30, 1971 at 10:00 A.M., at 5711 South Dixie Highway, South Miami, Florida, the following Resolution was duly adopted:

"RESOLVED: That the corporation make and enter into an agreement with the Board of County Commissioners of Metropolitan Dade County, to give assurance to the county that the property of the corporation, which is the subject of Zoning Resolution No. 4-ZAB-343-71, will be developed substantially in accordance with the spirit and intent of the plans prepared by Carson Bennett Wright entitled Apartment Complex for Country Club of Miami, dated May 5, 1971, and that the President and Secretary be and they are hereby authorized to execute and deliver such agreement on such terms and conditions as they may determine and to execute any other documents necessary to comply with the requirements of the county."

I further certify that the above resolution is in full force and effect and has not been modified or rescinded in any way.

NEWPORT COUNTRY CLUB
PROPERTIES, INC.

A. W. Beck

Secretary

Sworn to and subscribed
before me this 8th day
of September, 1971.

[Signature]
Notary Public, State of Florida
at Large

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES OCT. 12, 1973
BONDED THRU FRED W. DIESTELHORST

AGREEMENT

The undersigned, Country Club of Miami Corporation, a Florida corporation, Mortgagee, under that certain mortgage from Newport Country Club Properties, Inc. dated 25th day of June 1971 and recorded in Official Records Book 7280 Page 260 of the Public Records of Dade County, Florida under Clerk's File No. 71R129485 in the original amount of \$924,000.00 covering all/or a portion of the property described in the foregoing agreement, do hereby acknowledge that the terms of said agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed
this 3 day of September, 1971.

COUNTRY CLUB OF MIAMI CORPORATION

ATTEST:

Donna J. Shankle
Donna J. Shankle
Ass't. Secretary

Guy B. Bailey, President

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Guy B. Bailey and Donna J. Shankle well known to me to be the President and Assistant Secretary respectively of the corporation named and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 3 day of September A.D. 1971.

Allan L. Crowell
Notary Public, State of Florida at
Large

My Commission expires:

NOTARY PUBLIC STATE of FLORIDA at LARGE
MY COMMISSION EXPIRES JUNE 3, 1973
BONDED THROUGH ERIC W. DIETELHORST

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA.
RECORD NUMBER

E. B. LEATHERMAN,
CLERK CIRCUIT COURT

BY E. B. LEATHERMAN D.E.